

STAND. COM. REP. NO. 1542
Honolulu, Hawaii

RE: H.B. No. 1029
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii
Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1029 entitled:
"A BILL FOR AN ACT RELATING TO LIVING PARK PLANNING COUNCILS,"

begs leave to report as follows:

The purpose and intent of this measure is to repeal Act 15, Special Session Laws of Hawaii 2009.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that Act 15, Special Session Laws of Hawaii 2009 (Act 15), in part, establishes a Living Park Planning Council to develop a master plan for each state living park that will provide the framework, proposed rules, measurements for success, and planning process to ensure that the living park achieves its purpose and goals. Your Committee further finds that, after ten years, over eighty meetings, and the retention of a private planning contractor, there has been no progress made on the Ahupuaʻa ʻŌ Kahana State Park master plan and there has been no further discussion to establish a master plan nor to convene the Living Park Planning Council.

Although the Living Park Planning Council structure has not been proven to be productive, your Committee notes that Act 15 established an eviction moratorium and authorized the Department of Land and Natural Resources to issue long-term residential leases in addition to establishing the Living Park Planning Council. Because the title of this measure is specifically limited to living park planning councils, your Committee finds that repealing Act 15 in its entirety would bring this measure into conflict with the requirement under article 3, section 14, of the Hawaii State Constitution, that "[each] law shall embrace but one subject, which shall be expressed in its title".

Accordingly, your Committee has amended this measure by:

- (1) Deleting language that repeals Act 15 in its entirety;
- (2) Amending Act 15 by:
 - (A) Repealing sections that establish the Living Park Planning Council; and
 - (B) Authorizing the Department of Land and Natural Resources to oversee development and implementation of a master plan for the Kahana community; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1029, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1029, S.D. 1.

Respectfully submitted on behalf of the members of the Committee on
Judiciary,

KARL RHOADS, Chair